

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

ANDRE DERRELL LEE  
D.O.C. #325813

CIVIL ACTION NO. 5:17-cv-1093  
SECTION P

VERSUS

JUDGE ELIZABETH E. FOOTE

MAURICE HICKS

MAGISTRATE JUDGE HAYES

**JUDGMENT**

After an independent review of the record, a *de novo* determination of the issues, and a consideration of the objections filed, the Court determines that the findings of the Magistrate Judge in the Report and Recommendation are correct under the applicable law. Federal courts use the writ of mandamus “to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so.” *Roche v. Evaporated Milk Ass’n*, 319 U.S. 21, 26 (1943) (emphasis added); *In re Brown*, 346 F.2d 903, 910 (5th Cir. 1965) (holding that “[o]rderly procedure . . . forbade” one district judge “to interfere with the handling of a case” assigned to another district judge). Because one district judge cannot “deny another district judge his or her jurisdiction,” *Fabuluje v. Sanders*, No. 3:01-CV-992-D, 2001 WL 880688, at \*1 (N.D. Tex. July 23, 2001), this Court cannot compel Judge Hicks to rule upon the Plaintiff’s pending habeas petition.

**IT IS ORDERED** that the petition for mandamus filed pursuant to 28 U.S.C. § 1361 be and hereby is **DENIED**, and that the above captioned matter be and hereby is **DISMISSED**.

**THUS DONE AND SIGNED** this 6th day of February, 2018.

  
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ELIZABETH ERNY FOOTE  
UNITED STATES DISTRICT JUDGE